## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FUNKE et al.

Art Unit:

To be assigned

Appl. No.: 10/581,447

(U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)

Examiner:

To be assigned

Int'l Filing Date: November 20, 2004

Atty. Docket: 2400.0450000/VLC/BLS

For: Active Substance Combinations Having Insectidical and Acaricidal Properties

Information Disclosure Statement

## Under 37 C.F.R. § 1.97(b)

Mail Stop PCT

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents FP1 to FP39 and NPL1 to NPL13 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of the U.S. patent cited on the attached Form PTO/SB/08A, document US1, is not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, FP1 to FP2, FP5 to FP11, and FP13 to FP37, cited on Form PTO/SB/08A:

Document FP1, DT 26 41 343 A1, is in the German language. An English language abstract of document FP1 is cited as document NPL1 and submitted herewith.

Document FP2, EP 210 487 A1, is in the German language. An English language abstract of document FP2 is cited as document NPL2 and submitted herewith.

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Document FP5, EP 355 599 A1, is in the German language. An English language abstract of document FP5 is cited as document NPL3 and submitted herewith.

Document FP6, EP 0 377 893 A1, is in the German language. An English language abstract of document FP6 is cited as document NPL4 and submitted herewith.

Document FP7, EP 0 415 211 A2, is in the German language. An English language abstract of document FP7 is cited as document NPL5 and submitted herewith.

Document FP8, EP 0 442 073 A2, is in the German language. An English language abstract of document FP8 is cited as document NPL6 and submitted herewith.

Document FP9, EP 0 442 077 A2, is in the German language. An English language abstract of document FP9 is cited as document NPL7 and submitted herewith.

Document FP10, EP 0 456 063 A2, is in the German language. An English language abstract of document FP10 is cited as document NPL8 and submitted herewith.

Document FP11, EP 0 521 334 Al, is in the German language. An English language abstract of document FP11 is cited as document NPL9 and submitted herewith.

Document FP13, WO 93/22297 A1, is in the Japanese language. An English language abstract of document FP13 can be found on the face page of the patent.

Document FP14, EP 0 596 298 A2, is in the German language. An English language abstract of document FP14 is cited as document NPL10 and submitted herewith.

Document FP15, EP 0 613 884 A2, is in the German language. An English language abstract of document FP15 is cited as document NPL11 and submitted herewith.

Document FP16, EP 0 613 885 A2, is in the German language. An English language abstract of document FP16 is cited as document NPL12 and submitted herewith.

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Document FP17, WO 95/01358 Al, is in the German language. An English language abstract of document FP17 can be found on the face page of the patent.

Document FP18, WO 95/20572 A1, is in the German language. An English language abstract of document FP18 can be found on the face page of the patent.

Document FP19, EP 0 668 267 Al, is in the German language. An English language abstract of document FP19 is cited as document NPL13 and submitted berewith

Document FP20, WO 95/26954 Al, is in the German language. An English language abstract of document FP20 can be found on the face page of the patent.

Document FP21, WO 96/25395 Al, is in the German language. An English language abstract of document FP21 can be found on the face page of the patent.

Document FP22, WO 96/35664 Al, is in the German language. An English language abstract of document FP22 can be found on the face page of the patent.

Document FP23, WO 97/01535 Al, is in the German language. An English language abstract of document FP23 can be found on the face page of the patent.

Document FP24, WO 97/02243 A1, is in the German language. An English language abstract of document FP24 can be found on the face page of the patent.

Document FP25, WO 97/36868 A2, is in the German language. An English language abstract of document FP25 can be found on the face page of the patent.

Document FP26, WO 97/43275 A2, is in the German language. An English language abstract of document FP26 can be found on the face page of the patent.

Document FP27, WO 98/05638 A2, is in the German language. An English language abstract of document FP27 can be found on the face page of the patent.

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Document FP28, WO 98/06721 A1, is in the German language. An English language abstract of document FP28 can be found on the face page of the patent.

Document FP29, WO 98/25928 A1, is in the German language. An English language abstract of document FP29 can be found on the face page of the patent.

Document FP30, WO 99/16748 A1, is in the German language. An English language abstract of document FP30 can be found on the face page of the patent.

Document FP31, WO 99/24437 A1, is in the German language. An English language abstract of document FP31 can be found on the face page of the patent.

Document FP32, WO 99/43649 Al, is in the German language. An English language abstract of document FP32 can be found on the face page of the patent.

Document FP33, WO 99/48869 Al, is in the German language. An English language abstract of document FP33 can be found on the face page of the patent.

Document FP34, WO 99/55673 A1, is in the German language. An English language abstract of document FP34 can be found on the face page of the patent.

Document FP35, WO 01/23354 A2, is in the German language. An English language abstract of document FP35 can be found on the face page of the patent.

Document FP36, WO 01/74770 A1, is in the German language. An English language abstract of document FP36 can be found on the face page of the patent.

Document FP37, WO 02/087334 A1, is in the Japanese language. An English language abstract of document FP37 can be found on the face page of the patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication

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dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bryan L. Skelton Attorney for Applicants Registration No. 50,893

Date: FEBRUARY 2, 2007

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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| INFORMATION DISC             | CLOSURE                       | Application Number                              | 10/581,447<br>(U.S. Nat'l Phase of Int'l Appl.<br>No. PCT/EP2004/013198) |  |
| STATEMENT BY AP              |                               | Filing Date                                     | June 1, 2006   |  |
| (Use as many sheets as       |                               | First Named Inventor                            | FUNKE, Christian   |  |
| (Ose as many sneets as       | necessary)                    | Art Unit  | To be assigned   |  |
|                              |                               | Examiner Name                                   | To be assigned   |  |
| Sheet 1 of 5                 | 5                             | Attorney Docket Number                          | 2400.0450000/VLC/BLS   |  |
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| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | Document Number  Number-Kind Code <sup>2 (If Keeps)</sup> | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear |
|                      | US1                      | 3,264,177   | 08/02/1966                     | Kenaga   |   |
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| Examiner<br>Initials* | Cite<br>No.1 | Foreign Patent Document                     | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | т•  |
|                       |              | Country Code' Number' Kind Code' (if known) |                                |  |     |
|                       | FP1          | DT 26 41 343 A1                             | 04/07/1977                     | E.I. du Pont de Nemours and Company                | Abs |
|                       | FP2          | EP 0 210 487 A1                             | 02/04/1987                     | Ciba-Geigy AG                                      | Abs |
|                       | FP3          | EP 0 234 045 A2                             | 09/02/1987                     | Nihon Nohyaku Co., Ltd.                            |     |
|                       | FP4          | EP 0 347 488 A1                             | 12/27/1989                     | American Cyanamid Company                          |     |
|                       | FP5          | EP 0 355 599 A1                             | 02/28/1990                     | Bayer AG   | Abs |
|                       | FP6          | EP 0 377 893 A2                             | 07/18/1990                     | Bayer AG   | Abs |
|                       | FP7          | EP 0 415 211 A2                             | 03/06/1991                     | Bayer AG   | Abs |
|                       | FP8          | EP 0 442 073 A2                             | 08/21/1991                     | Bayer AG   | Abs |
|                       | FP9          | EP 0 442 077 A2                             | 08/21/1991                     | Bayer AG   | Abs |

|  | Examiner<br>Signature | /Sriram Kasturi/ | Date<br>Considered | 09/26/2008 |
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| INFORMATION DISCLOSURE                       | Application Number                             | 10/581,447<br>(U.S. Nat'l Phase of Int'l Appl.<br>No. PCT/EP2004/013198) |  |
| STATEMENT BY APPLICANT                       | Filing Date                                    | June 1, 2006   |  |
| (Use as many sheets as necessary)            | First Named Inventor                           | FUNKE, Christian   |  |
| (Ose as many streets as necessary)           | Art Unit                                       | To be assigned   |  |
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| Sheet 2 of 5                                 | Attorney Docket Number                         | 2400.0450000/VLC/BLS   |  |
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| Examiner  | Cite   | Document Number                          | Publication Date<br>MM-DD-YYYY                   | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages |
| Initials* | No.1   | Number-Kind Code <sup>2 (If Known)</sup> | MIMI-DD-1111                                     | Applicant of Cited Document                        | or Relevant Figures Appear                        |
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| Examiner<br>Initials* | Cite<br>No. | Foreign Patent Document  Country Code' Number  Kind Code' (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentce or<br>Applicant of Cited Document                                | T <sup>6</sup> |
|                       | FP10        | EP 0 456 063 A2  | 11/13/1991                     | Bayer AG  | Abs            |
|                       | FP11        | EP 0 521 334 A1  | 01/07/1993                     | Bayer AG  | Abs            |
|                       | FP12        | WO 93/10083 A1   | 05/27/1993                     | Uniroyal Chemical Company, Inc.; Uniroyal<br>Chemical Ltd./Uniroyal Chemical Ltee |                |
|                       | FP13        | WO 93/22297 A1   | 11/11/1993                     | Yashima Chemical Industrial Co., Ltd.   | Abs            |
|                       | FP14        | EP 0 596 298 A2  | 05/11/1994                     | Bayer AG  | Abs            |
|                       | FP15        | EP 0 613 884 A2  | 09/07/1994                     | Bayer AG  | Abs            |
|                       | FP16        | EP 0 613 885 A2  | 09/07/1994                     | Bayer AG  | Abs            |
|                       | FP17        | WO 95/01358 A1   | 01/12/1995                     | Bayer Aktiengesellschaft  | Abs            |
|                       | FP18        | WO 95/20572 A1   | 08/03/1995                     | Bayer Aktiengesellschaft  | Abs            |

| Examiner<br>Signature | /Sriram Kasturi/ | Date<br>Considered | . 09/26/2008 |
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| Application Number                             | 10/581,447<br>(U.S. Nat'l Phase of Int'l Appl.<br>No. PCT/EP2004/013198)   |
| Filing Date                                    | June 1, 2006   |
| First Named Inventor                           | FUNKE, Christian   |
| Art Unit                                       | To be assigned   |
| Examiner Name                                  | To be assigned   |
| Attorney Docket Number                         | 2400.0450000/VLC/BLS   |
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|                                |                 |  | U.S. PATENT DOC                                    | UMENTS  |                           |
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| Examiner Cite<br>Initials No.1 | Document Number | Publication Date<br>MM-DD-YYYY           | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages |                           |
| Initials*                      | No."            | Number-Kind Code <sup>2 (If Kerwn)</sup> | MM-DD-1111   | Аррисан от спес росинен                           | or Relevant Figures Appea |
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| Examiner<br>Initials* | Cite<br>No.1 | Foreign Patent Document  Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>3</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | т•  |
|                       | FP19         | EP 0 668 267 A1  | 08/23/1995                     | Bayer AG   | Abs |
|                       | FP20         | WO 95/26954 A1   | 10/12/1995                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP21         | WO 96/25395 A1   | 12/22/1996                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP22         | WO 96/35664 A1   | 11/14/1996                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP23         | WO 97/01535 A1   | 01/16/1997                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP24         | WO 97/02243 A1   | 01/23/1997                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP25         | WO 97/36868 A1   | 10/09/1997                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP26         | WO 97/43275 A2   | 11/20/1997                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP27         | WO 98/05638 A2   | 02/12/1998                     | Bayer Aktiengesellschaft                           | Abs |

| Examiner<br>Signature | /Sriram Kasturi/ | Date<br>Considered | 09/26/2008 |
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English Imprayage Translation is attached.

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| Substitute for form 1449/PTO               | Complete  | if Known   |
| INFORMATION DISCLOSURE                     | Application Number                              | 10/581,447<br>(U.S. Nat'l Phase of Int'l Appl.<br>No. PCT/EP2004/013198) |
| STATEMENT BY APPLICANT                     | Filing Date                                     | June 1, 2006   |
| (Use as many sheets as necessary)          | First Named Inventor                            | FUNKE, Christian   |
| (Ose as many sneets as necessary)          | Art Unit  | To be assigned   |
|  | Examiner Name                                   | To be assigned   |
| Sheet 4 of 5                               | Attorney Docket Number                          | 2400.0450000/VLC/BLS   |

|             |              |  | U.S. PATENT DOG                                  |  |   |
|-------------|--------------|--|--|--|---|
| Examiner Ci | Cite<br>No.1 | Document Number                          | Publication Date<br>MM-DD-YYYY                   | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages |
| Initials    | No."         | Number-Kind Code <sup>2 (If Known)</sup> | MIM-DD-1111                                      | Applicant of Cited Document                        | or Relevant Figures Appear                        |
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| Examiner<br>Initials* | Cite<br>No. | Foreign Patent Document  Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>4</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | T6  |
|                       | FP28        | WO 98/06721 A1   | 02/19/1998                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP29        | WO 98/25928 A1   | 06/18/1998                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP30        | WO 99/16748 A1   | 04/08/1999                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP31        | WO 99/24437 A1   | 05/20/1999                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP32        | WO 99/43649 A1   | 09/02/1999                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP33        | WO 99/48869 A1   | 09/30/1999                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP34        | WO 99/55673 A1   | 11/04/1999                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP35        | WO 01/23354 A2   | 04/05/2001                     | Bayer Aktiengesellschaft                           | Abs |
|                       | FP36        | WO 01/74770 A1   | 10/11/2001                     | Bayer Aktiengesellschaft                           | Abs |

| Date   | <br>       |                    |                  |                       |
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| Signature /Sriram Kasturi/ Considered 09/26/2008 | 09/26/2008 | Date<br>Considered | /Sriram Kasturi/ | Examiner<br>Signature |

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|                |        |         | APPLICAL          |                        | June 1, 2006   |
|                |        |         | ets as necessary) | First Named Inventor   | FUNKE, Christian   |
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|                |        |         |                   | Examiner Name          | To be assigned   |
| Sheet          | 5      | of      | 5                 | Attorney Docket Number | 2400.0450000/VLC/BLS   |

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| Examiner Cit | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY                   | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages |
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|                       | FP37         | WO 02/087334 A1   | 11/07/2002                     | Nihon Nohyaku Co., Ltd.                            | Abs            |
|                       | FP38         | WO 03/015518 A1   | 02/27/2003                     | E.I. du Pont de Nemours and Company                |                |
|                       | FP39         | WO 03/024222 A1   | 03/27/2003                     | E.I. du Pont de Nemours and Company                |                |
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| Examiner  | /Sriram Kasturi/ | Date<br>Considered | 09/26/2008 |
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|                | (Use as many si                                 |        |              | First Named Inventor   | FUNKE, Christian   |
|                | (Ose as many si                                 | 1665 1 | s necessary) | Art Unit               | To be assigned   |
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|                       | NPL1        | Dialog File 351, Accession No. 1284894, Derwent WPI English language abstract for DE 26 41 343 A1 (listed on accompanying PTO/SB/08A as document FP1)  |                |
|                       | NPL2        | Dialog File 351, Accession No. 3940248, Derwent WPI English language abstract for EP 210 487 A1 (listed on accompanying PTO/SB/08A as document FP2)  |                |
|                       | NPL3        | Dialog File 351, Accession No. 5386698, Derwent WPI English language abstract for EP 0 355 599 A1 (listed on accompanying PTO/SB/08A as document FP5)  |                |
|                       | NPL4        | Dialog File 351, Accession No. 5225712, Derwent WPI English language abstract for EP 0 377 893 A2(listed on accompanying PTO/SB/08A as document FP6)   |                |
|                       | NPL5        | Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP7)  |                |
|                       | NPL6        | Dialog File 351, Accession No. 5637050, Derwent WPI English language abstract for EP 0 442 073 A2 (listed on accompanying PTO/SB/08A as document FP8)  |                |
|                       | NPL7        | Dialog File 351, Accession No. 5637204 Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP9)   |                |
|                       | NPL8        | Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP10)   |                |
|                       | NPL9        | Dialog File 351, Accession No. 6600806, Derwent WPI English language abstract for EP 0 521 334 A1 (listed on accompanying PTO/SB/08A as document FP11)   |                |
|                       | NPL10       | Dialog File 351, Accession No. 6975167, Derwent WPI English language abstract for EP 0 596 298 A2 (listed on accompanying PTO/SB/08A as document FP14)   |                |

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|                       | NPL13                    | Dialog File 351, Accession No. 7380333, Derwent WPI English language abstract for EP 0 668 267 A1 (listed on accompanying PTO/SB/08A as document FP19)   |                |
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